

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

MICHAEL B. GOODWIN
XXX-XX-9667

IVONNE M. GOODWIN
XXX-XX-0075

DEBTORS

[illegible]

Case No. 15-41589
Chapter 13

**DEBTOR'S OBJECTION TO PROOF OF
CLAIM NO. 3 FILED BY SPECIALIZED LOAN SERVICING, LLC**

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS OBJECTION WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES Michael B. Goodwin and Ivonne M. Goodwin (herein jointly "Debtor")
objecting to the Proof of Claim filed herein by Specialized Loan Servicing, LLC ("Creditor"),
and would respectfully show the following:

1.

This Objection to Creditor's claim is filed pursuant to 11 U.S.C. §502(b)(1) and Bankruptcy Rule 3007.

2.

Creditor has filed a Proof of Claim herein alleging a secured claim in the amount of \$129,744.29, Claim No. 3, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes.

3.

Debtor objects to the payment of interest on Creditor's Claim, as the arrearage already includes interest. Debtor is not required to pay interest to cure a pre-petition default pursuant to 11 U.S.C. § 1322 (e).

WHEREFORE, PREMISES CONSIDERED, upon notice and hearing, Debtor requests that Creditor's Proof of Claim be disallowed, and for such other and further relief as Debtor may be justly entitled.

Respectfully submitted,

GARY J. CAMPBELL & ASSOCIATES, P.C.

By: 

Gary J. Campbell
State Bar I.D. No. 03702500
P.O. Box 758
Sherman, Texas 75091
(903) 868-0545
FAX: (800) 641-9045

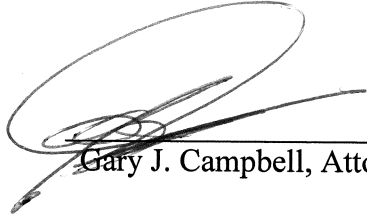
ATTORNEY FOR THE DEBTORS

DEBTOR'S DECLARATION UNDER LOCAL BANKRUPTCY RULE 3007(a)(2)

I, Gary J. Campbell, (Attorney for Debtor), hereby declare under penalty of perjury that I have read the foregoing Objection to the Proof of Claim of Specialized Loan Servicing, LLC, and that the factual allegations made in such Objection are true and correct to the best of my knowledge, information and belief.

Date:

Jan 18, 2016



Gary J. Campbell, Attorney for Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Debtors' Objection to the Proof of Claim of Specialized Loan Servicing, LLC was served upon the following creditor and parties in interest by electronic means and/or mailed by United States first-class mail, postage prepaid, on this the 18th day of January, 2016.

Debtor:

Mr. and Mrs. Michael B. Goodwin
230 Preston Club Drive
Sherman, TX 75092

Chapter 13 Trustee:

Carey D. Ebert
Standing Chapter 13 Trustee
P.O. Box 941166
Plano TX 75094-1166

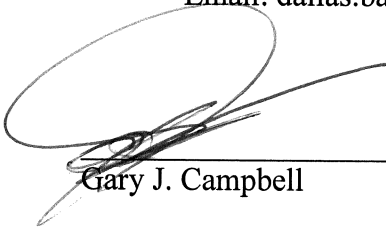
Creditor:

Specialized Loan Servicing, LLC
8742 Lucent Blvd, Suite 300
Highlands Ranch, Colorado 80129
Email: CrDocs@sls.net

Attorneys Requesting Notice:

S & S ISD
c/o Eboney Cobb
Perdue, Brandon, Fielder, Collins & Mott,
L.L.P.
500 E. Border Street, Suite 640
Arlington, Texas 76010
(817) 461-3344
(817) 860-6509 FAX
email: ecobb@pbfc.com

Melissa L. Palo
Linebarger, Goggan, Blair & Sampson, LLP
2777 N. Stemmons Freeway, Suite 1000
Dallas, TX 75207
Facsimile: (469) 221-5003
Email: dallas.bankruptcy@publicans.com



Gary J. Campbell

UNITED STATES BANKRUPTCY COURT		FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION		PROOF OF CLAIM	
Name of Debtor: Michael B. Goodwin Ivonne M. Goodwin dba MI Systems		Case Number: 15-41589			
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.					
Name of Creditor (the person or other entity to whom the debtor owes money or property): The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through Certificates Series 2002-KS4					
Name and address where notices should be sent: Specialized Loan Servicing LLC 8742 Lucent Blvd, Suite 300 Highlands Ranch, Colorado 80129 Telephone number: (800) 315-4757 email:			COURT USE ONLY <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If Known) Filed on _____		
Name and address where payment should be sent: (if different from above): Specialized Loan Servicing LLC PO Box 636007 Littleton, Colorado 80163 Telephone number: (800) 315-4757 email:			<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.		
1. Amount of Claim as of Date Case Filed: \$129,744.29 If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.					
2. Basis for Claim: Money Loaned (See instruction #2)					
3. Last four digits of any number by which creditor identifies debtor: xxxxxx8304		3a. Debtor may have scheduled account as: (See instruction #3a)		3b. Uniform Claim Identifier (optional): (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: 230 Preston Club Drive, Sherman, Texas 75092 Value of Property: _____ Annual Interest Rate: 9.5000% <input type="checkbox"/> Fixed <input checked="" type="checkbox"/> Variable (when case was filed)				Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$39,147.42 Basis for perfection: Recordation of Lien Amount of Secured Claim: \$129,744.29 Amount Unsecured: _____	
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a) (1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5). Amount entitled to priority: _____ <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family or household use - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (____). *Amounts are subject to adjustment on 04/01/2016 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.					
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)					

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Andrew Kussmaul

Title: Authorized Agent for Specialized Loan Servicing LLC

Company: Buckley Madole, P.C.

/s/ Andrew Kussmaul
(Signature)

Address and telephone number (if different from notice address above):

P. O. Box 9013
Addison, TX 75001

10/19/2015
(Date)

Telephone number: (972) 643-6600

email: POCInquiries@BuckleyMadole.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: Michael B. Goodwin
Ivonne M. Goodwin
dba MI Systems

Case number: 15-41589

Name of creditor: The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through Certificates Series 2002-KS4

Last four digits of any number you use to identify the debtor's account: xxxxxx8304

Part 1: Statement of Principal and Interest Due as of the Petition Date (08/31/2015)

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in item 1 on your Proof of Claim form).

1. **Principal due** (1) \$97,178.59

2. **Interest due**

Interest rate	From	To	Amount
9.500%	09/01/2013	08/31/2015	\$18,092.79

Total interest due as of the petition date \$18,092.79 Copy total here > (2) + \$18,092.79

3. **Total principal and interest due** (3) \$115,271.38

Part 2: Statement of Pre-Petition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates incurred	Amount
1. Late Charges		(1)
2. Non-sufficient funds (NSF) fees		(2)
3. Attorney fees		(3)
4. Filing fees and court costs		(4)
5. Advertisement costs		(5)
6. Sheriff/auctioneer fees		(6)
7. Title costs	1 @ \$185.00 incurred on 05/17/12 Less Recovered @ (\$152.82)	(7) \$32.18
8. Recording fees		(8)
9. Appraisal/broker's price opinion fees	1 @ \$83.00 incurred on 07/19/11 1 @ \$83.00 incurred on 01/20/12 1 @ \$115.00 incurred on 10/02/14	(9) \$281.00
10. Property inspection fees	1 @ \$8.47 incurred on 03/17/10 1 @ \$11.25 incurred on 04/16/10 1 @ \$11.25 incurred on 05/27/11 1 @ \$11.25 incurred on 06/23/11 1 @ \$11.25 incurred on 08/18/11 1 @ \$11.25 incurred on 09/15/11 1 @ \$11.25 incurred on 11/24/11 1 @ \$18.25 incurred on 01/03/12 1 @ \$20.00 incurred on 02/24/12 1 @ \$16.50 incurred on 03/27/12 1 @ \$16.50 incurred on 04/25/12	(10) \$147.22
11. Tax advances (non-escrow)		(11)
12. Insurance advances (non-escrow)		(12)
13. Escrow shortage or deficiency (Do not include amounts that are part of any installment payment listed in Part 3.)		(13)
14. Property preservation expenses. Specify:		(14)
15. Other. Specify: Specify: Bankruptcy Attorney	1 @ \$425.00 incurred on 06/13/12	(15) \$1,901.00

Case 15-41589 Claim 3 Filed 10/19/15 Desc Main Document Page 4 of 49

Specify: Bankruptcy Attorney Fees	1 @ \$50.00 incurred on 09/06/12	
Specify: Bankruptcy Attorney Fees	1 @ \$650.00 incurred on 07/10/13	
Specify: Bankruptcy Attorney Fees	1 @ \$50.00 incurred on 09/22/14	
Specify: Bankruptcy Costs – Filing Costs	1 @ \$176.00 incurred on 07/10/13	
Specify: Trustee Fee	1 @ \$550.00 incurred on 05/17/12	
16. Other. Specify:		(16)
17. Other. Specify:		(17)
18. Total pre-petition fees, expenses, and charges. Add all of the amounts listed above.		(18) \$2,361.40

Part 3: Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

☐ No☒ Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

1. Installment payments due	Date last payment received by creditor	07/31/2014	
	Number of installment payments due:	(1) 23	
2. Amount of installment payments due			
	October 2013 to August 2014	11 installments @ \$1,475.41 =	\$16,229.51
	September 2014 to March 2015	7 installments @ \$1,756.99 =	\$12,298.93
	April 2015 to August 2015	5 installments @ \$1,676.82 =	\$8,384.10
	Total installment payments due as of the pre-petition date	<u>\$36,912.54</u>	Copy total here > (2) <u>\$36,912.54</u>
3. Calculation of cure amount	Add total pre-petition fees, expenses, and charges	Copy total here from Part 2 >	+ <u>\$2,361.40</u>
	Subtract total of unapplied funds (funds received but not credited to account)		<u>(\$126.52)</u>
	Pre-petition suspense	(\$126.52)	
	Subtract amounts for which debtor is entitled to a refund		
	Total amount necessary to cure default as of the petition date		(3) <u>\$39,147.42</u>

Copy total onto Item 4 of Proof of Claim form

Your monthly payment amount may change due to an escrow requirement and/or interest rate adjustment.
Your current payment amount and any upcoming changes are provided below.

<u>Effective Date</u>	<u>Effective Amount</u>
09/01/2015	\$1,408.61

Additional Amounts included in "Amount of Claim as of Date Case Filed" in Item 1 on B10 (Official Form 10)Escrow Advance\$12,238.03

Specialized Loan Servicing LLC services the loan on the property referenced in this proof of claim. In the event the automatic stay in this case is modified, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through Certificates Series 2002-KS4, "NOTEHOLDER".

Noteholder, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Noteholder or has been duly endorsed. Noteholder is the original mortgagee or beneficiary or the assignee of the security instrument for the referenced loan.

CERTIFICATE OF SERVICE OF PROOF OF CLAIM

I hereby certify that a true and correct copy of the foregoing document has been served upon the following parties in interest on or before the 19th day of October, 2015 via electronic notice unless otherwise stated:

Debtor Via U.S. Mail

Michael B. Goodwin
230 Preston Club Drive
Sherman, TX 75092

Ivonne M. Goodwin
230 Preston Club Drive
Sherman, TX 75092

Debtors' Attorney

Gary J. Campbell
Gary J. Campbell & Associates, P.C.
320 North Travis, Suite 207
P.O. Box 758
Sherman, TX 75091-0758

Chapter 13 Trustee

John Talton
P.O. Box 941166
Plano, TX 75094-1166

US Trustee

Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702

/s/ Andrew Kussmaul
Andrew Kussmaul